

DECISION

19359 *Carter*
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-204012

DATE: September 10, 1981

MATTER OF: Peter L. Merkel/Data General, Inc.

DIGEST:

Neither the prospective subcontractor to an unsuccessful prime offeror nor an employee of the prospective subcontractor is an "interested party" within the meaning of our Bid Protest Procedures to challenge award of the prime contract.

On July 13, 1981, Mr. Peter L. Merkel filed a protest with our Office against the award of a contract to C3, Inc., by the United States Coast Guard under request for proposals (RFP) No. DTCG-23-80-R-30032. By letter dated August 4, 1981, the Coast Guard identified Mr. Merkel as an employee of Data General, Inc., a proposed subcontractor to Federal Data, Inc., an unsuccessful offeror under the RFP, and challenged Mr. Merkel's status as an "interested party" under our Bid Protest Procedures, 4 C.F.R. part 21 (1981). On August 19, we received a letter from Data General stating that Mr. Merkel had "been working in behalf of Data General and Federal Data since the beginning" of the protest. We have had no communication whatsoever from Federal Data. The objections which Mr. Merkel and Data General raise in the protest pertain to C3's eligibility for award of the prime contract.

We find that neither Mr. Merkel nor Data General is an "interested party" as required by our Bid Protest Procedures, 4 C.F.R. § 21.1(a) (1981), in order to have their protest considered by our Office. As a general rule, a party's relationship to the question raised by the protest must be direct. American Satellite Corporation (Reconsideration), B-189551, April 17, 1978, 78-1 CPD 289. This protest relates to the propriety of the selection of the awardee for

21-1 Coast Guard Contract Award

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the prime contract, a subject in which Federal Data, as the prime offeror, would have the direct interest. Data General and Mr. Merkel are too remote to the subject matter of the protest to establish their "interest" within the meaning of our Bid Protest Procedures. American Satellite Corporation (Reconsideration), supra.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel